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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,038	08/29/2003	Katsuyuki Sakai	086142-0575	8515
22428	7590	01/13/2006	EXAMINER	
FOLEY AND LARDNER LLP			ROSENBERG, LAURA B	
SUITE 500			ART UNIT	
3000 K STREET NW			PAPER NUMBER	
WASHINGTON, DC 20007			3616	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/651,038	<b>Applicant(s)</b> SAKAI ET AL.	
	<b>Examiner</b> Laura B. Rosenberg	<b>Art Unit</b> 3616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This office action is in response to the amendment filed 28 October 2005, in which claims 1, 5, and 10 were amended.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Saiguchi et al. (US2001/0011810).

In regards to claims 1-7, 9, and 10, Saiguchi et al. disclose an occupant protection system (for example, as seen in figures 34, 35) comprising:

- Seat pan (including #42, 420) mounted to a seat frame arranged below a seat cushion (including #12)
- Inflatable airbag (including #320) arranged above the seat pan (best seen in figure 34) and able to inflate above an upper surface of the seat pan to push the seat cushion from below (shown generally in figure 5)
- Gas generator (including #380) able to inflate the airbag in an emergency
- Gas generator is separate and exterior to the airbag, and is connected to the airbag via a pipe (including #430)
- Airbag and gas generator are mounted to the seat pan (best seen in figures 34, 35)

Art Unit: 3616

- Airbag extends along the width direction of the seat pan, opposite ends of the air bag being connected to the seat pan (best seen in figures 34, 35)
- Gas generator being arranged along the “upper” or “lower” surface of the seat pan (as seen in figure 34, with respect to the sides #420 of the seat pan, the “upper” or “lower” surface would depend upon the frame of reference, which has not been specified)
- Seat pan includes an opening (for example, including #422), and the gas generator is connected to the airbag via the pipe that extends from the gas generator, through the opening, and to the airbag (best seen in figures 34, 35)

In regards to claims 1-3 and 5-8, Saiguchi et al. disclose an occupant protection system (for example, as seen in figure 1) comprising:

- Seat pan (including #42) mounted to a seat frame arranged below a seat cushion (including #12)
- Inflatable airbag (including #36) arranged above the seat pan (best seen in figures 4, 5; paragraph 0156) and able to inflate above an upper surface of the seat pan to push the seat cushion from below (shown generally in figure 5)
- Gas generator (including #38) able to inflate the airbag in an emergency
- Gas generator is separate and exterior to the airbag, and is connected to the airbag via a pipe (including #40)
- Airbag and gas generator are mounted to the seat pan (paragraph 0155)
- Airbag extends along the width direction of the seat pan, opposite ends of the air bag (for example, left #36 and right #36) being connected to the seat pan

Art Unit: 3616

- Gas generator being arranged along the “upper” surface of the seat pan (along same “upper” surface as airbag is arranged)
- “Upper” surface of the seat pan includes a recessed area (portion of #42 recessed from #42a) and the gas generator is arranged in the recessed area

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 2, 4-6, 9, and 10 have been fully considered but they are not persuasive. The Saiguchi et al. reference discloses the added subject matter of the gas generator being separate and exterior to the airbag and being connected to the airbag via a pipe, as set forth in the rejection above. Also, portion #420 is part of the base plate, which was pointed out in the previous non-final rejection and is pointed out above.

5. Applicant's arguments with respect to claims 3, 7, and 8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within


Art Unit: 3616

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura B Rosenberg  
Patent Examiner  
Art Unit 3616

LBR

  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
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